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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,217	12/04/2001	Michael Dudek	47075/SAH/C715	5358

3017 7590 11/03/2003

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EXAMINER

PAK, SUNG H

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,217

Applicant(s)

DUDEK ET AL.

Examiner

Sung H. Pak

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of species I (figures 2-2a) and associated claims 1-20 and 34-41 in Paper No. 0803 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kakii et al (US 5,719,978).

Kakii et al reference discloses an optical interface assembly with all the limitations set forth in the claims, including: the interface assembly for interfacing a fiber optical connector to an optoelectronic device (Fig. 45 and column 22 lines 19-27); a retainer ("104, 105" in Fig. 38) having a well ("103" in Fig. 38) for receiving a wedge ("106" in Fig. 38) and a sloping side wall that abuts a fiber stub array when the fiber stub array comes in contact with the wedge (Fig. 38); wherein the fiber stub array includes a well for relieving excess epoxy (Fig. 14C); wherein the fiber stub array is made of first and second members wherein the first and second members have keying features for alignment (Fig. 38); a plurality of V-grooves axially disposed within the fiber stub array.

Claims 1-2, 4-5, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurashima et al (US 6,599,032 B1).

Kurashima et al reference discloses an optical interface assembly with all the limitations set forth in the claims, including: an assembly for interfacing a fiber optical connector to an optoelectronic device (abstract), a retainer having a well for receiving a wedge and a sloping side wall (Fig. 26, Fig. 50) that abuts a fiber stub array when the fiber stub array comes in contact with the wedge (Fig. 50); two part plate assembly with provision for accepting an optoelectronic device (Fig. 10, 11); the fiber stub array being made of a first and second member and wherein the first and second members have keying features for alignment (Fig. 50); plurality of V-grooves axially disposed within the fiber stub array (Fig. 50); laser array plate being mechanically coupled to the retainer

(Fig. 26); the retainer, or the base unit, comprising at least one guide pin that passes through a series of components (Fig. 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 7, 12-20, 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurashima et al (US 6,599,032 B1) in view of Shiflett et al (US 5,619,604).

Kurashima et al reference discloses an optical device with all the limitations set forth in the claims as discussed above, except it does not teach the use of a connector latch. In addition to the discussion above, Kurashima et al further discloses the

optoelectronic plate including at least one alignment hole in engagement with at least one guide pin (Fig. 6,7). Regarding claim 34, Kurashima et al reference discloses a cradle assembly encasing the fiber stub array and fixing alignment gap between the laser array and the fiber stub array (Fig. 1). Regarding claim 40, Kurashima et al reference discloses a plastic housing (column 10 lines 55-57). Although Kurashima et al discloses the use of an MT connector, it does not explicitly mention the use of a connector latch.

Shiflett et al reference, on the other hand, explicitly discloses the use of a connector latch for coupling an MT connector (Fig. 4). Such a connector latch is advantageous because it provides a secure coupling between the optoelectronic device and the fiber optic connector free from accidental decoupling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kurashima et al device to have a connector latch.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al (US 20030113071A1), Jin et al (US 20030072538A1), Sasaki et al (US006238100B1), Meyer et al (US 20020076172A1), and O'Toole et al (US 20030138219A1) disclose optical interface assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-

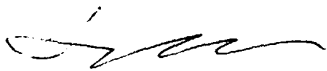
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4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sung H. Pak
Examiner
Art Unit 2874

sp



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